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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 BRANDON K. ROE and TERI L. ROE,

8 Plaintiffs,

9 v.

10 STATE OF WASHINGTON, et al.,

11 Defendants.

CASE NO. C13-5927 BHS

ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFFS' MOTION FOR
LEAVE TO AMEND

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13 This matter comes before the Court on Plaintiffs Brandon and Teri Roe's ("Roes")
14 motion for leave to amend (Dkt. 32).

15 On July 12, 2013, the Roes filed a complaint against numerous Defendants in
16 Thurston County Superior Court for the State of Washington. Dkt. 1, ¶ 1. On October
17 18, 2013, the matter was removed to this Court. Dkt. 1.

18 On April 17, 2014, the Roes filed a motion for leave to amend their complaint.
19 Dkt. 32. On April 28, 2013, Defendants responded. Dkts. 38, 39, & 40. On May 1,
20 2014, the Roes replied. Dkts. 41 & 42.
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1 With regard to the redundant claims and the technical deficiency of failing to file
2 the proposed complaint with the motion, the Court finds that these issues have been
3 solved and grants the Roes leave to amend these claims.

4 With regard to the Roes' proposed conspiracy claim under 42 U.S.C. § 1985, the
5 claim, as alleged, is futile. The relevant portion of the statute provides two causes of
6 action, one for interference with a federal court proceeding and another

7 if two or more persons conspire for the purpose of impeding, hindering,
8 obstructing, or defeating, in any manner, the due course of justice in any
9 State or Territory, with intent to deny to any citizen the equal protection of
10 the laws, or to injure him or his property for lawfully enforcing, or
11 attempting to enforce, the right of any person, or class of persons, to the
12 equal protection of the laws

13 42 U.S.C. § 1985(2). The second part clearly requires an equal protection violation.

14 In the proposed amended complaint, the Roes fail to provide sufficient allegations
15 for each element of their claim. The Roes allege as follows:

16 Law enforcement, and DSHS employees and Defendant Hall worked
17 together to interfere with the Defendants' civil rights and obstruct justice in
18 that criminal charges were filed against Defendant Teri Hall and her Child
19 NR was removed from the home for twenty-two months pursuant to a
20 dependency, yet Defendant Teri Roe was acquitted at trial and the
21 dependency was dismissed without any finding of abuse.

22 Dkt. 42-1, ¶ 12.2. Although the term "civil rights" arguably includes the right to equal
protection of the law, the Court finds that term does not adequately provide notice of how
the Roes are entitled to relief for a violation of their equal protection rights. As such, the
claim, as presented, is futile.

Therefore, the Court **GRANTS in part** and **DENIES in part** the Roes' motion for
leave to amend (Dkt. 32) as stated herein.

1 **IT IS SO ORDERED.**

2 Dated this 27th day of May, 2014.

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5 BENJAMIN H. SETTLE
6 United States District Judge
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